

PHILLIP A. TALBERT
Acting United States Attorney
BRIAN A. FOGERTY
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTURO PACHECO,

Defendant.

CASE NO. 2:20-CR-221 WBS

STIPULATION AND ORDER TO CONTINUE
STATUS CONFERENCE AND EXCLUDE TIME
UNDER SPEEDY TRIAL ACT

DATE: November 1, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

The United States of America, by and through Assistant U.S. Attorney Brian A. Fogerty, and defendant Arturo Pacheco, by and through his counsel David W. Dratman, hereby agree and stipulate as follows:

1. On November 19, 2020, a grand jury returned a four-count indictment, charging Pacheco with two counts of deprivation of rights under color of law, in violation of 18 U.S.C. § 242, and two counts of falsification of records in a federal investigation, in violation of 18 U.S.C. § 1519. ECF No. 1.

2. On November 20, 2020, Pacheco appeared before the Honorable Carolyn K. Delaney, at which hearing the court set this matter for a status conference and excluded the time between November 20, 2020, and January 12, 2021, from the computation of time in which trial must commence under the Speedy Trial Act. ECF No. 5. The case was subsequently reassigned to this Court, and by subsequent orders the Court excluded time and set this case for a status conference on November 1, 2021. ECF No. 22.

///

1 3. Since the initiation of the charges against the defendant, the government has produced
2 discovery, including several hundred pages of documents and audio recordings. Counsel for the
3 defendant needs time to investigate the allegations underlying the charges in the indictment, examine the
4 evidence, confer with his client, and prepare for trial while also handling other matters, including other
5 trials in federal and state court that are scheduled to occur between the date of this filing and February
6 2022.

7 4. Based on the foregoing facts, the parties request that the Court vacate the November 1,
8 2021, status conference and reset the case for a status conference to be held on February 14, 2022, at
9 9:00 a.m. The parties further agree and request that the Court exclude the time between November 1,
10 2021, and February 14, 2022, from the computation of time in which trial must commence under the
11 Speedy Trial Act, pursuant to Local Code T-4. The parties agree that the interests of justice served by
12 excluding the time between November 1, 2021, and February 14, 2022, under the Speedy Trial Act,
13 outweigh the best interests of the public and the defendant in a speedy trial. The parties request that the
14 Court adopt the facts set forth herein and order time excluded from November 1, 2021, to and including
15 February 14, 2022, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow
16 defense counsel to investigate and prepare for trial.

17
18 Dated: October 25, 2021

PHILLIP A. TALBERT
Acting United States Attorney

19
20 By: /s/ BRIAN A. FOGERTY
BRIAN A. FOGERTY
21 Assistant United States Attorney

22
23 Dated: October 25, 2021

/s/ DAVID W. DRATMAN
DAVID W. DRATMAN
24 Counsel for Defendant
Arturo Pacheco
25
26
27
28

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the November 1, 2021, status conference and resets the matter for a status conference on February 14, 2022, at 9:00 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to exclude the time between November 1, 2021, and February 14, 2022, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from November 1, 2021, to and including February 14, 2022, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO ORDERED.

Dated: October 25, 2021



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE